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OFFICE OF PETITIONS

In re Application of	:	
David Glasco	:	DECISION ON APPLICATION
Application No.10/635,703	:	FOR
Filed: August 5, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. NWISP036	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705," filed April 24, 2007 (certificate of facsimile transmission dated April 24, 2007), requesting reconsideration of the initial determination of patent term adjustment mailed with the Notice of Allowance.

The application for patent term adjustment under § 1.705(b) is **DISMISSED AS UNTIMELY FILED.**

35 U.S.C. 154(b) provides for patent term adjustment for examination delay. Pursuant to 35 U.S.C. 154(b)(3)(B) and implementing regulation 37 C.F.R. § 1.705, an applicant shall receive an initial determination of patent term adjustment with the mailing of the Notice of Allowance and shall be given one opportunity to request reconsideration of that determination by way of filing of an application for patent term adjustment prior to the payment of the issue fee.

On April 20, 2007, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is zero days. PALM records indicate that the issue fee payment was received in the Office on April 20, 2007. No filing of an application for patent term adjustment preceded the payment of the issue fee. The period for filing an application for patent term adjustment requesting reconsideration of the initial determination of patent term adjustment at the time of

mailing of the notice of allowance ended April 20, 2007. Accordingly, it is appropriate to dismiss this petition as untimely filed.

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, sweeping flourish extending from the end of the name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions